



Republic of Zambia

Ministry of Justice

NATIONAL LEGAL AID POLICY

October 2018



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Foreword

Legal aid services in Zambia have for a long time been provided by both the state and non-state actors in the absence of a comprehensive policy.

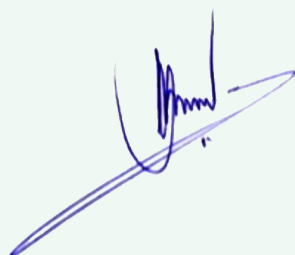
The absence of a national legal aid policy and coordinated institutional framework in justice delivery impacts negatively on the achievement of Government's objective under the governance chapter of the Seventh National Development Plan, which aims at enhanced access to justice, observance of the rule of law and human rights.

While legal aid interventions do not in principle transform the poverty situation of the recipients of the services, the interventions, coupled with governance and astute poverty reduction strategies, undoubtedly foster the social and economic development process of the country. To this effect government is committed to ensuring that the efficient and effective access to justice serves as a catalyst in enhancing legal empowerment of the poor and vulnerable groups.

This policy therefore, is conceived out of an anti-poverty agenda aimed at the poor and vulnerable groups in society. It targets the impediments that poverty and its attendant challenges pose to access to justice and remedially sets out mechanisms whose cumulative objectives shall be to effectively integrate the poor and vulnerable groups in our society into the systems of rights and obligations that foster prosperity.

Policy guidelines for legal aid designed to contribute to legal empowerment of the poor and vulnerable groups through effective access to justice are now outlined in this policy document. The policy sets guidelines for the scope and delivery models for the provision of legal aid in Zambia and outlines the framework required in the implementation process by the Legal Aid Board and other stakeholders and for monitoring and evaluating the implementation of the different policy measures herein set out.

I, therefore, wish to express my delight on the realisation of this policy. It is my fervent hope that this publication will assist in improving the accessibility to justice institutions by the poor and vulnerable groups amongst us.



Minister of Justice



Acknowledgment

This policy document is a product of contributions and consultations with various stakeholders that the Ministry of Justice has engaged since 2009. The consultations were compelled by challenges that hamper the effective and efficient provision of legal aid to the people of Zambia, especially the poor and vulnerable persons.

In 2013, a first draft National Legal Aid Policy was formulated by a multi stakeholder Committee established by the Minister of Justice and chaired by the Legal Aid Board (LAB). Additional views were drawn through further engagement and consultation of stakeholders at provincial and national level. Building on this process, a Technical Working Group was appointed in 2016 by the Ministry of Justice with the task of completing the development of the draft National Legal Aid Policy. The process was led by the LAB and involved the Ministry of Justice, the Law Association of Zambia (LAZ), the National Legal Aid Clinic for Women (NLACW) and the Paralegal Alliance Network (PAN), with further engagement with Cabinet Office on the revised draft. The process culminated into broad consultations on the draft National Legal Aid Policy carried out with all relevant ministries, state institutions, civil society and other relevant stakeholders in November and December 2017.

Although it may not be possible to mention all the stakeholders who made valuable contributions to the formulation of this document, special mention is made of the following organisations for the technical assistance rendered to the policy formulation process: the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) and the Danish Institute for Human Rights (DIHR), with the financial support of the European Union (EU) and the Federal Republic of Germany under the Access to Justice Programme and the Programme for Legal Empowerment and Enhanced Justice Delivery (PLEED) in Zambia.

The Committee and the Technical Working Group appointed for this exercise deserve special acknowledgement for the commitment and tireless effort exemplified in the review, refinement and finalisation of this policy. Other stakeholders, too numerous to mention here, equally deserve acknowledgement for their valuable contributions.



**Permanent Secretary
Ministry of Justice**

Working Definitions

“Accredited CSO” means a Civil Society Organisation (CSO) that has been authorised to provide legal aid by the Legal Aid Board (LAB), in accordance with prescribed rules.

“Accredited university law clinic” means a law clinic affiliated to a school of law of a university or to another higher educational institution providing legal education, and that has been authorised to provide legal aid by the LAB, in accordance with prescribed rules.

“Alternative Dispute Resolution (ADR)” includes mechanisms such as mediation, conciliation and negotiation aimed at preventing, settling or resolving disputes.

“Eligible person” means an individual to whom legal aid may be granted on the basis of the means test and interests of justice principle, in accordance with prescribed rules under the Legal Aid Act.

“Interests of justice” is the principle applied by the LAB with the means test when making a decision to grant legal aid in any case or matter. It refers to the seriousness of the offence, the complexity of the matter, the capability of the accused, the level of vulnerability of the person, strategic litigation on a matter of public interest, risk that the trial will not be fair unless the person is provided with legal aid, and other elements as prescribed by the LAB.

“Judicare system” means a legal aid service delivery model where legal practitioners in private practice are engaged by the LAB, subject to payment of prescribed fees, to provide secondary legal aid services to eligible persons.

“Legal advice” means the provision of advice on the application of the law and how to exercise it in relation to a particular matter. It includes advising and assisting the client in undertaking next steps on her/his matter, provided that such steps are not in the context of formal proceedings.

“Legal aid” means the provision of free or subsidised legal services by Legal Aid Service Providers (LASPs) to an eligible person.

“Legal aid assistant” shall have the meaning assigned to the term in the Legal Aid Act.

“Legal Aid Board (LAB)” is the body established by the Legal Aid Act with the overall responsibility and mandate to provide, administer, coordinate, regulate and monitor the whole legal aid scheme in the country.

“Legal Aid Service Provider (LASP)” means the LAB, a legal practitioner providing legal aid services under the Judicare system or on a pro bono basis, or an accredited CSO or university law clinic, that provides legal aid to eligible persons.

“Legal assistance” refers to assisting a person in executing some legal act to protect her/his rights or in taking some preparatory steps towards doing so in the context of formal proceedings, including steps that are preliminary or incidental to formal proceedings, or steps aimed at arriving at or giving effect to a compromise to avoid or bring to an end formal proceedings (including court-annexed mediation).

“Legal assistant” means a person who (a) holds a Bachelor of Laws Degree (LL.B) or equivalent as prescribed by the Zambia Institute of Advanced Legal Education (ZIALE) Council; and (b) is duly registered at the LAB for purposes of providing legal aid at an accredited CSO, a legal practitioner in private practice or a public institution other than the LAB in accordance with the Legal Aid Act.

“Legal education” consists in the provision of law-related education through the general dissemination of information about the law to the population or specific target groups.

“Legal information” means the provision of information to an individual or to groups of persons on legal rights, responsibilities, procedures, available remedies and how to exercise them.

“Legal practitioner” shall have the meaning assigned to the term in the Legal Practitioners Act.

“Legal representation” means representation in a court, tribunal or administrative body based on the privilege relationship between an advocate and a client.

“Legal services” include services to provide legal representation, legal assistance, legal advice, legal information, legal education and mechanisms for ADR.

“Means test” assesses whether an applicant for legal aid has insufficient means to pay for legal services. The level of means which qualifies an applicant as having insufficient means in relation to the granting of legal aid is prescribed by the LAB.

“Paralegal” means a person who (a) has successfully completed a training course in paralegal studies level 3, 2 or 1 at university or other higher educational institution, or at another organisation as accredited by the Technical Education, Vocation and Entrepreneurship Training Authority (TEVETA); and (b) is duly registered at the LAB for purposes of providing legal aid at an accredited CSO, the LAB or another public institution in accordance with the Legal Aid Act.

“Poor people” means people having insufficient means to pay for legal services.

“Pro bono legal aid” means a legal aid service delivery model where secondary or primary legal aid services are provided by legal practitioners in private practice or otherwise entitled to practice as prescribed under the Legal Practitioners Act, at no cost for the LAB or to accredited CSOs or university law clinics.

“Primary legal aid services” means the provision of legal education, legal information, legal advice and ADR (excluding court-annexed mediation) by a LASP to an eligible person.

“Secondary legal aid services” means the provision of legal assistance and legal representation by a LASP to an eligible person.

“Vulnerable people” includes persons with disabilities, remanded persons or otherwise deprived of liberty, minors, victims of sexual, domestic or gender-based violence, persons living with HIV or other severe chronic diseases, refugees, internally displaced persons, asylum-seekers, members of economically and socially disadvantaged groups, and others as prescribed by the LAB.

ACRONYMS

ADR	Alternative Dispute Resolution
CSOs	Civil Society Organisations
DEC	Drug Enforcement Commission
DIHR	Danish Institute for Human Rights
HIV	Human Immunodeficiency Virus
EU	European Union
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
HRC	Human Rights Commission
LAB	Legal Aid Board
LASP	Legal Aid Service Provider
LAZ	Law Association of Zambia
LL.B	Bachelor of Laws Degree
LSUs	Legal Services Units
MCDSS	Ministry of Community Development and Social Services
MLSS	Ministry of Labour and Social Security
MoJ	Ministry of Justice
MoU	Memorandum of Understanding
NIPA	National Institute of Public Administration
NLACW	National Legal Aid Clinic for Women
NPA	National Prosecution Authority
PACRA	Patents And Companies Registration Agency
PAN	Paralegal Alliance Network
PLEED	Programme for Legal Empowerment and Enhanced Justice Delivery
TEVETA	Technical Education, Vocational and Entrepreneurship Training Authority
ZCEA	Zambia Civic Education Association
ZCS	Zambia Correctional Service
ZIALE	Zambia Institute of Advanced Legal Education
ZLDC	Zambia Law Development Commission
ZPS	Zambia Police Service



1 INTRODUCTION

The Government of the Republic of Zambia has committed itself to enhancing equal access to justice particularly for the poor and vulnerable people, as part of its efforts to observe the rule of law and adhere to human rights, in line with the Seventh National Development Plan 2017-2021 and the National Vision 2030 of the Republic of Zambia.

Access to justice is generally understood as the ability of people to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards. It goes beyond mere access to institutions and covers the whole process leading from grievance to remedy.

Access to justice is a fundamental human right in itself and essential for the protection and promotion of all other civil, cultural, economic, political and social rights. Without effective and affordable access to justice, people are denied the opportunity to claim their rights or challenge crimes, abuses or human rights violations committed against them.

Enhancement of access to justice necessitates effective provision of legal aid. Legal aid is understood as encompassing the provision to a person, group or community, by or at the instigation of state or non-state actors, of legal education, information, advice, assistance, representation and mechanisms for alternative dispute resolution. This understanding of legal aid has been recognised internationally through the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems adopted by the United Nations General Assembly in December 2012.

The provision of legal aid in Zambia has been affected by the absence of a comprehensive national Legal Aid Policy and a corresponding implementation framework to guide the provision of legal aid services by all legal aid service providers, including non-state actors.

The Government of Zambia has endeavoured to remedy the current gaps in the provision of legal aid by adopting a national Legal Aid Policy (hereafter referred to as the “Legal Aid Policy”) supported by appropriate legislation and regulations, installing a comprehensive legal aid system that is accessible, effective, credible and sustainable. On this basis, the Legal Aid Policy establishes a renewed regulatory and implementation framework for the provision, administration, coordination, regulation and monitoring of legal aid in Zambia.

The efficient and effective delivery of legal aid services will in turn enhance equal access to justice for the poor and vulnerable people in Zambia, in line with Zambia’s national and international commitments.

The development of the Legal Aid Policy followed an inclusive approach based on extensive consultations involving institutions and stakeholders at provincial and national levels. The process was led by the Ministry of Justice and the Legal Aid Board (LAB). The participants in the consultations included Cabinet Office, ministries and other state institutions, offices of provincial ministers, the Law Association of Zambia (LAZ), universities and other higher educational institutions, and more

than 25 Civil Society Organisations (CSOs). The process involved 15 workshops for the Technical Working Group and other consultations carried out between November 2016 and April 2018.

This policy document is divided into five chapters. Chapter One covers the introduction and outlines the concept of access to justice and the provision of legal aid as a means of enhancing access to justice. Chapter Two gives the situation analysis wherein the issues and obstacles that impede the effective and efficient delivery of legal aid services are identified. Chapter Three sets out the vision pursued by the Legal Aid Policy and gives the rationale and guiding principles on which the Legal Aid Policy is founded. Chapter Four specifies the objectives of the Legal Aid Policy and states the policy measures required to attain the set objectives. Chapter Five sets out the implementation framework outlining the mechanisms necessary for effective and efficient policy implementation.

CHAPTER TWO

2 SITUATION ANALYSIS

2.1 SCOPE OF LEGAL AID SERVICES

The foundation for legal aid in Zambia stems from the Constitution as provided in Article 18 of the Bill of Rights. The Article enshrines the right to a fair hearing within a reasonable time by an independent and impartial court established by law. Based on principles of equality before the law and the presumption of innocence, the Constitution provides for a number of guarantees necessary for the defence of anyone charged with a penal offence (Article 18 of the Bill of Rights) as well as protection from discrimination (Article 23 of the Bill of Rights) and protection from inhuman treatment (Article 15 of the Bill of Rights).

Subsequent legislation, in this case the Legal Aid (Amendment) Act No. 19 of 2005 (hereinafter referred to as the “Legal Aid Act”), provides further guidance on when legal aid should be provided.

The Legal Aid Act establishes the Legal Aid Board (LAB) as a public institution mandated with the provision of legal aid to persons whose means are not sufficient to engage legal practitioners in private practice to represent them before the courts of law. Section 3(1) of the Legal Aid Act defines the scope of legal aid provided by the LAB as:

- a) “the assistance of a practitioner including all such assistance as is usually given by a practitioner in the steps preliminary or incidental to any proceedings or in arriving at or giving effect to a compromise to avoid or bring to an end any proceedings; and
- b) representation in any court.”

Legal aid under the Legal Aid Act can include not only all assistance given preliminary or incidental to actual proceedings, but also assistance given out of court to avoid proceedings by arriving at a compromise or giving effect to any such compromise. However, the definition of legal aid in the Legal Aid Act lacks clarity, since it does not specifically mention primary legal aid services consisting of legal education, legal information, legal advice and Alternative Dispute Resolution (ADR) as falling within the scope of the legal aid system, but only indirectly refers to them. Considering the extensive range of legal aid services provided by the LAB and other Legal Aid Service Providers (LASPs), it would be essential for purposes of policy and strategy that the wider definition of legal aid is taken into account.

2.2 LIMITED LEGAL AWARENESS AMONGST THE POPULATION

Awareness levels on the law and the available legal remedies and protections amongst the population are generally low, with an additional lack of knowledge on where to seek assistance when confronted with a legal issue.

In the criminal justice system, legal information and advice in police stations, police posts, correctional facilities and at court level are largely absent. Further, responsible officers at the Judiciary, the National Prosecution Authority (NPA), the Zambia Correctional Service (ZCS), the Zambia Police Service (ZPS) and other law enforcement institutions are under no obligation to inform unrepresented persons on their right to legal aid, neither are they obliged to assist them, when incarcerated, in contacting the LAB in order to apply for legal aid. This leaves many suspects and inmates unable to claim their rights.

At community level, women and other vulnerable people including children face significant violations of their rights in a wide range of justice matters, often related to family life and property ownership. This includes human rights violations in the context of the family, gender-based and domestic violence, as well as discriminatory practices imposed on women and various forms of child abuse and child labour. It also involves land and property related issues such as denial of property upon divorce, property grabbing at succession, and undue restrictions in accessing land. As legal education and information on the law and the available legal remedies and protections is not provided in a consistent manner to the population, most cases of women's and children's rights violations and gender-based violence are not reported to the formal justice system. In practice, the vast majority of disputes are settled locally according to customary law which is often discriminatory against women and children.

2.3 INSUFFICIENT GEOGRAPHIC COVERAGE OF THE LEGAL AID SYSTEM

The LAB has a total of 12 offices country wide, reaching out to all provinces in Zambia with one LAB provincial office per province, and two LAB district offices, one in Copperbelt province and another one in Southern province. The LAB provides services at all courts of law in Zambia in both criminal and civil cases. However, the focus is on criminal cases in the higher courts (High Court, Court of Appeal, Supreme Court). This is due to serious constraints at the LAB with regards to human resources capacity and financial resources. Further, the LAB is faced with high staff turnover due to unattractive conditions of service. As at April 2018, the LAB has 27 legal practitioners and 5 legal aid assistants as members of staff (against 86 in the LAB current approved establishment), against the population of more than 17 million. This makes a ratio of 1 LAB lawyer (including LAB legal practitioners and legal aid assistants) to 530,000 persons. Some provinces only have one LAB legal practitioner for the whole province covering over 1,000,000 persons. In 2016, the LAB received 8,938 applications for legal aid out of which 4,599 were granted legal aid (including cases referred to the LAB by the courts of law) while the other applicants were provided with legal information and advice only.

The limited geographic coverage of the LAB has created a significant gap in ensuring that citizens access the legal aid system. Civil Society Organisations (CSOs) and their affiliated paralegals have tried to remedy this situation by providing legal aid services at community level and at varying levels of the justice system in Zambia. However, the number of CSOs providing legal aid services is limited and there are no university law clinics in existence. The number of active paralegals, which is in the range of 500 countrywide, is still insufficient to adequately cater for the legal aid needs.

Furthermore, the role of CSOs in providing legal aid services is not formally recognised in any piece of legislation. This restricts their effective mobilisation and coordination with the LAB and other Legal Aid Service Providers (LASPs). It also limits the level of cooperation between all LASPs and other institutions such as the Judiciary, the Zambia Correctional Service (ZCS) and the Zambia Police Service (ZPS) for the provision of legal aid services at all levels of the justice system.

2.4 LIMITED ROLE OF THE LEGAL PROFESSION IN THE DELIVERY OF LEGAL AID SERVICES

The country has few registered legal practitioners. There are approximately 1,500 legal practitioners registered in 2018 at the Law Association of Zambia (LAZ), which makes a ratio of 1 legal practitioner to 11,300 persons. Most legal practitioners that are in private practice are concentrated in Lusaka and in a few other major towns in Zambia (primarily Kitwe and Ndola in Copperbelt province, to a lesser extent in Kabwe, Livingstone and Chipata in Central, Southern and Eastern provinces respectively), focusing on court work and providing legal services that most citizens cannot afford.

The LAB-managed Judicare system is restricted as there are insufficient funds available and the incentives for legal practitioners to take on cases under the Judicare system are limited. In addition, efforts by the LAZ to establish a functioning pro bono framework have so far been unsuccessful and only a very limited number of legal practitioners take on pro bono work.

2.5 UNREGULATED PROVISION OF LEGAL AID SERVICES PROVIDED BY PARALEGALS AND LAW DEGREE HOLDERS

Paralegals and law degree holders not admitted to the bar in Zambia operate in an environment without formal recognition of their work and the contribution they make to access to justice. As a result, there is no standardised regulatory regime in place to ensure the competence and accountability of paralegals and law degree holders when providing legal aid services.

For instance, the duration of the initial training provided by CSOs to their affiliated paralegals range from less than a week to eighteen months, with the majority of CSOs providing not more than five to ten days initial training. Refresher or in-service training is also not systematic. CSOs working with paralegals face additional challenges in terms of institutional funding and technical weaknesses that further affect their capacity to adequately supervise, monitor and support their paralegals.

Further, there is no uniform quality assurance framework that applies to paralegals and law degree holders volunteering at paralegal CSOs. The types of legal aid services that paralegals can provide are not linked to any qualification requirements while in practice, some paralegals provide the full spectrum of legal services (except representation in court) despite limited levels of training and supervision. Similarly, there is no regulator in place setting quality standards, professional ethics and disciplinary processes for paralegals and law degree holders providing legal aid services. This compromises the quality of the legal aid services provided by paralegals and law degree holders and makes legal aid unregulated if not provided by the LAB or legal practitioners in private practice.

2.6 LIMITED INSTITUTIONAL CAPACITY IN OPERATING A COMPREHENSIVE LEGAL AID SYSTEM

The mandate of the LAB is limited to the provision of legal aid and the administration of the Legal Aid Fund as prescribed in the Legal Aid Act. It does not include aspects of coordination, regulation and monitoring of the legal aid system, which are required to set up an efficient and effective delivery scheme of legal aid services in the country.

Consequently, the LAB lacks the institutional structures and internal organisation needed for further development of legal aid in Zambia. For instance, the LAB does not have a multi stakeholder committee working on issues related to CSOs and paralegals providing legal aid services. The functions of the LAB Secretariat are limited to the representation of persons granted legal aid under the Legal Aid Act, the financial management of the Legal Aid Fund and other administrative aspects.

The current legal aid institutional set-up is also characterised by insufficient levels of engagement and participation of the different key institutions involved. At national level, the Board of the LAB does not have a representative from CSOs providing legal aid services, despite the essential role played by CSOs and their affiliated paralegals in the delivery of legal aid services. This in turn adversely impacts the efficiency and effectiveness of the legal aid system countrywide.

CHAPTER THREE

3 VISION, RATIONALE AND GUIDING PRINCIPLES

3.1 VISION

“A Zambia where equal access to justice for the poor and vulnerable people is provided through efficient and effective delivery of legal aid services.”

3.2 RATIONALE

The majority of the poor and vulnerable people in Zambia currently have limited access to legal aid services. This means that the rights to legal assistance, legal representation and equality before the law as set out in the Constitution are not adequately fulfilled in practice.

The Legal Aid Policy lays the foundation for the establishment of a comprehensive legal aid system in Zambia that is accessible, effective, credible and sustainable.

It widens the scope of legal aid services so as to include both primary and secondary legal aid. The Legal Aid Policy recognises the role of CSOs in providing legal aid services through paralegals and law degree holders, the additional contribution from university law clinics and legal practitioners providing legal aid services on a pro bono basis, and puts emphasis on the effective mobilisation and coordination of all Legal Aid Service Providers (LASPs) including state and non-state actors. It supports increased awareness on the law and legal aid services amongst the population in order to empower people to claim their rights and obtain remedies.

Furthermore, currently anyone could provide paralegal services and advise people on legal matters as long as they provide these services without a fee. As there are no regulations on paralegals, their qualifications and the services they are providing, there is the inherent risk that people follow unsubstantiated advice which might have severe implications. The Legal Aid Policy therefore aims at establishing a quality assurance framework for paralegals and law degree holders providing legal aid services with standards on qualification, training and registration requirements, as well as a regulator providing professional ethics and supervisory and disciplinary processes.

The Legal Aid Policy provides for the further decentralisation of the LAB to more districts and a strengthened legal aid institutional framework with the mandate and functions of the LAB being expanded to include not only the provision and administration of legal aid, but also the coordination, regulation and monitoring of the legal aid system. The institutional scheme is based on inclusiveness with increased engagement, participation and consultation of the different key institutions involved in order to maximise the effectiveness and impact of the legal aid scheme.

Overall, the Legal Aid Policy recognises the duty and responsibility of the State to provide for legal aid, which includes the enactment of specific legislation and regulations, ensuring that a comprehensive legal aid system is in place and that the State allocates the necessary human and financial resources to the legal aid system.

The efficient and effective delivery of legal aid services will in turn enhance equal access to justice for the poor and vulnerable people in Zambia, in line with Zambia's national and international commitments. Societal benefits of a broad-based legal aid system will include the elimination of unnecessary detention, speedy processing of cases, fair and impartial trials and dispute resolution, the reduction of correctional facility populations, the lowering of appeal rates, decreased reliance on a range of social services, the advancement of social and economic rights, and greater social harmony, as outlined in the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems.

3.3 GUIDING PRINCIPLES

The implementation of the Legal Aid Policy is founded on the following national values and principles as enshrined in the Constitution:

- i. Rule of law: Legal aid is an essential element of a functioning justice system that is based on the rule of law, a foundation for the enjoyment of other rights, including the right to a fair trial, and an important safeguard that ensures fundamental fairness and public trust in the justice system;
- ii. Human dignity, social justice and inclusiveness: The legal aid system serves the poor and vulnerable people in Zambia. Vulnerability of the person may be in relation to disability, remanded persons or otherwise deprived of liberty, minors, victims of sexual, domestic or gender-based violence, persons living with HIV or other severe chronic diseases, refugees, internally displaced persons, asylum-seekers, members of economically and socially disadvantaged groups and as further prescribed by the LAB;
- iii. Equality and non-discrimination: Decisions on the granting of legal aid shall be made objectively, based on the means test and interests of justice principle as prescribed in the Legal Aid Policy and Legal Aid Act, and shall not be influenced by any discriminatory bias, be it on grounds of age, race, colour, gender, language, religion or belief, political or other opinion, national or social origin, citizenship or domicile, birth, education, social, economic or other status;
- iv. Partnerships: The effective and efficient provision of legal aid services requires the strengthening of cooperation and coordination mechanisms between all categories of Legal Aid Service Providers (LASPs) and with other institutions and stakeholders so as to ensure close collaboration and to maximise the impact of legal aid;
- v. Transparency and accountability: The legal aid system shall be administered in an open and accountable manner with the engagement and participation of all relevant stakeholders including state and non-state actors in the management structures of the legal aid institutional framework;
- vi. Morality and ethics: The Legal Aid Policy establishes a quality assurance framework for LAB legal practitioners, legal aid assistants, legal assistants (law degree holders) and paralegals. This includes setting up standards for the registration, qualification, conduct and professional ethics, and disciplinary processes applicable to LAB legal practitioners, legal aid assistants, legal assistants and paralegals. This will enhance their competence and accountability when delivering legal aid services; and

- vii. Sustainable development: As per the United Nations Sustainable Development Goal (SDG) 16 “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”, the Legal Aid Policy establishes a comprehensive legal aid system in Zambia that is accessible, effective, credible and sustainable. It strengthens the role and institutional capacity of the LAB to adequately manage the legal aid system. It also strengthens the role of other justice institutions and stakeholders in supporting the efficient and effective operation of the legal aid system. Overall, the Legal Aid Policy lays the foundation for the continued and sustained delivery of legal aid services to the poor and vulnerable people in Zambia, enabling them to claim their rights and seek remedies, and supporting the long-term social and economic development of the country.



4 POLICY OBJECTIVES AND MEASURES

4.1 OVERALL OBJECTIVE

The overall objective of the Legal Aid Policy is to ensure efficient and effective delivery of legal aid services to the poor and vulnerable people in Zambia.

4.2 SPECIFIC OBJECTIVES AND POLICY MEASURES

The Legal Aid Policy pursues the following specific objectives and related policy measures:

Objective 1. To widen the scope of legal aid services for the provision of the full spectrum of legal services to the poor and vulnerable people.

Policy Measures

In order to attain the above objective, the Government will:

- 1.1 Establish a mixed legal aid delivery system involving relevant justice stakeholders in complementary legal aid service delivery models; and
- 1.2 Review and design appropriate application processes and eligibility standards of accessing legal aid.

Objective 2. To enhance awareness on the law and legal aid services amongst the population to empower people to claim their rights and obtain remedies.

Policy Measures

In order to attain the above objective, the Government will:

- 1.1 Promote legal education and awareness campaigns to members of the public through Legal Aid Service Providers; and
- 1.2 Support the development of guidelines on the duty for state institutions to inform persons on their right to legal aid and the availability of legal aid services.

Objective 3. To increase the geographic coverage of the legal aid system by involving Civil Society Organisations and university law clinics as Legal Aid Service Providers.

Policy Measures

In order to attain the above objective, the Government will:

- 1.1 Recognise and regulate Civil Society Organisations and university law clinics to ensure their accountability as providers of legal aid services; and
- 1.2 Establish mechanisms for coordination and cooperation among the various Legal Aid Service Providers and with other institutions and stakeholders.

Objective 4. To strengthen the complementary role of the legal profession in the delivery of legal aid services.

Policy Measure

In order to attain the above objective, the Government will:

- 1.1 Promote the establishment of a comprehensive pro bono framework for an increased number of legal practitioners to provide legal aid services on a pro bono basis.

Objective 5. To enhance the competence and accountability of paralegals, legal assistants (law degree holders) and legal aid assistants ensuring quality in the legal aid services delivered.

Policy Measures

In order to attain the above objective, the Government will:

- 1.2 Recognise the role of paralegals at various levels of qualification and legal assistants and the types of legal aid services provided; and
- 1.3 Establish a quality assurance framework and a regulator for paralegals, legal assistants and legal aid assistants.

Objective 6. To strengthen institutional capacity in order to adequately manage a comprehensive legal aid system in Zambia.

Policy Measures

In order to attain the above objective, the Government will:

- 1.1 Strengthen the Legal Aid Board by widening its mandate;
- 1.2 Enhance the institutional structures and internal organisation of the Legal Aid Board by further decentralising its operation and services and establishing additional committees, units and departments under the Legal Aid Board; and
- 1.3 Strengthen the role of relevant justice institutions and other stakeholders in supporting the efficient and effective operation of the legal aid system in Zambia.



5 IMPLEMENTATION FRAMEWORK

5.1 INSTITUTIONAL ARRANGEMENTS

The following measures are required in the legal aid institutional set-up in order to enable efficient and effective implementation of the Legal Aid Policy.

5.1.1 MANDATE AND FUNCTIONS OF THE LEGAL AID BOARD

- i. The Legal Aid Board (LAB) shall have the overall responsibility and mandate for the provision, administration, coordination, regulation and monitoring of the whole legal aid system in Zambia;
- ii. In order to reflect the widened mandate of the LAB, it is proposed that the composition of the Board of the LAB be reviewed and include one representative from accredited Civil Society Organisations (CSOs) providing legal aid in addition to a representative of the LAZ. This will ensure the engagement and participation of accredited CSOs in the development of the legal aid system in Zambia;
- iii. It is proposed that the LAB exercises core functions as prescribed under the Legal Aid Act with the following additional core functions:
 - a. Accredite CSOs and university law clinics desiring to provide legal aid, in accordance with accreditation procedures and criteria as prescribed by the LAB;
 - b. Regulate the provision of legal aid services by legal aid assistants, legal assistants and paralegals;
 - c. Establish and maintain a long-term financial resources mobilisation mechanism;
 - d. Oversee the provision of legal aid; and
 - e. Undertake research on aspects of legal aid;
- iv. The LAB shall, in the performance of its functions, be independent of the direction or control of any person or authority except as otherwise prescribed under the Legal Aid Act.

5.1.2 PARALEGAL STANDING COMMITTEE AT THE LEGAL AID BOARD

- i. In order to cater for additional functions related to the accreditation of Legal Aid Service Providers (LASPs) and the regulation of paralegals, it is proposed that the LAB constitutes a multi stakeholder Paralegal Standing Committee which will include paralegals, CSOs, legal practitioners, representatives from the LAB and other relevant institutions as constituted by the LAB;
- ii. It is proposed that the LAB Paralegal Standing Committee carries out the following functions as delegated by the LAB:
 - a. Advise the LAB on the further development of quality assurance mechanisms for paralegals, including registration requirements, training scheme, quality standards and professional ethics, and disciplinary process;

- b. Review the application for registration of paralegals levels 3, 2 and 1, and instruct the LAB Secretariat to issue certificates to applications that fulfil the registration criteria; and
- c. Perform such other functions as may be assigned to it by the LAB.

5.1.3 SECRETARIAT OF THE LEGAL AID BOARD

- i. It is proposed that the LAB Secretariat exercises functions as prescribed under the Legal Aid Act with the following additional functions:
 - a. Issue accreditation to CSOs and university law clinics;
 - b. Register legal aid assistants, legal assistants and paralegals and issue certificates;
 - c. Establish and maintain a Register of Accredited CSOs and University Law Clinics, a Register of Legal Aid Assistants, a Register of Legal Assistants, a Register of Paralegals, and a Directory of Legal Aid Board Offices and Accredited Legal Desks;
 - d. Serve as secretariat to the LAB Paralegal Standing Committee; and
 - e. Develop guidelines, templates and formats as required under the Legal Aid Policy or the Legal Aid Act;
- ii. The LAB Secretariat may perform additional functions as assigned to it by the LAB. This may include tasks related to further development and implementation of quality assurance mechanisms and regulation of legal aid assistants, legal assistants and paralegals, the monitoring of the legal aid system and its longer-term development including financial resources mobilisation;
- iii. The LAB shall organise the internal structures, departments and units of the LAB Secretariat so as to fulfil the functions assigned to the LAB Secretariat as prescribed under the Legal Aid Act and as further assigned to it by the LAB;
- iv. The LAB may, on such terms and conditions as may be determined by the LAB with the approval of the Minister of Justice, appoint legal practitioners, legal aid assistants, paralegals and other managerial, administrative and support staff for the LAB as it considers necessary for the performance of its functions;
- v. Conditions of service for the LAB staff shall take into account market related remuneration for comparable positions or work so as to promote job satisfaction and stability of staff.

5.1.4 DUTY TO INFORM PERSONS ON THEIR RIGHT TO LEGAL AID

- i. Police officers, correctional facility officers, prosecutors, judges, magistrates and other law enforcement officers shall inform an unrepresented person in police stations or posts, correctional facilities and courts who appears to have insufficient means to pay for legal services of that person's right to legal aid and of other procedural safeguards and may advise the person to seek legal aid by contacting the LAB or a Legal Services Unit (LSU), or grant of legal aid by the courts;
- ii. Information on the rights of a person suspected of or charged with a criminal offence in a criminal justice process and on the availability of legal aid services shall be provided to suspects or accused persons in an official form prior to any questioning or at the time of deprivation of liberty;



- iii. Police and correctional facility officers shall facilitate and assist an unrepresented detained person, who appears to have insufficient means to pay for legal services, to contact the LAB or an LSU and apply for legal aid.

5.1.5 ESTABLISHMENT OF A TRAINING SCHEME FOR PARALEGALS

- i. The TEVETA shall develop a training scheme in paralegal studies for three levels of qualification of paralegals organised as follows:
 - a) Level 3: Paralegal skills award level;
 - b) Level 2: Paralegal trade test level 2; and
 - c) Level 1: Paralegal certificate level;
- ii. The TEVETA training scheme in paralegal studies shall, for each level of qualification of paralegals, set exemptions based on past training received on paralegalism or other relevant qualification, and prior experience as a paralegal.

5.2 LEGAL FRAMEWORK

In accordance with the institutional arrangements as set up under the Legal Aid Policy, the Government shall facilitate the review of various pieces of legislation, codes, regulations and guidelines relating to legal aid provision in order to develop a supportive and effective regulatory framework in accordance with the Legal Aid Policy. The most relevant piece of legislation which requires reviewing is the Legal Aid Act:

5.2.1 THE LEGAL AID ACT

- i. The Legal Aid Act shall be amended in line with the Legal Aid Policy so as to:
 - a) Widen the scope of legal aid and service delivery models of legal aid so as to include both primary and secondary legal aid in the types of legal services supported by the legal aid system;
 - b) Revise the composition and expand the mandate and functions of the LAB;
 - c) Formally recognise CSOs and university law clinics in the provision of legal aid, specify their roles and responsibilities, and require them to get accredited at the LAB;
 - d) Formally recognise legal assistants and paralegals organised in three levels of qualification, specify the types of legal aid services that each category provides, and require them to register with the LAB and be subject to LAB quality standards, professional ethics and disciplinary process;
 - e) Establish the disciplinary processes for legal aid assistants, legal assistants and paralegals;
 - f) Prescribe effective remedies available to persons who have not been adequately informed of their right to legal aid or appropriately assisted in contacting the LAB or an LSU to apply for legal aid as specified under part 5.1.4 of the Legal Aid Policy; and
 - g) Integrate other changes and innovations as prescribed under the Legal Aid Policy.

5.2.2 OTHER LEGISLATION AND REGULATIONS

The LAB and the LAZ may propose further amendments to legislation and regulations that enhance access to justice and legal aid and maximise the impact of the Legal Aid Policy, and engage the relevant ministries and institutions in this regard.

5.3 RESOURCE MOBILISATION AND FINANCING

Implementation of the Legal Aid Policy will require increased budgetary allocations. The Legal Aid Policy recognises that the State bears the primary responsibility for allocating the necessary financial resources to the legal aid system.

5.3.1 LEGAL AID FUNDING BASE

- i. The types of resources contributing to the state legal aid funding base shall include:
 - a) Monies from the state budget appropriated by Parliament for administration of the LAB and the Legal Aid Fund;
 - b) Grants including donor funding, loans, donations, bequests or other contributions made to the LAB;
 - c) Monies generated by the LAB in the course of its activities and which shall be paid into and shall form part of the Legal Aid Fund. These include:
 - a. Consultation fees paid by legal aid applicants;
 - b. Contribution fees paid by legally aided persons;
 - c. Deductions from awards to legally aided persons;
 - d. Costs awarded to legally aided persons; and
 - e. Licensing fees.

5.3.2 RESOURCE MOBILISATION AND ADMINISTRATION

- i. Funds of the LAB shall cover:
 - a) Salaries, allowances, loans, gratuities and pensions of staff of the LAB and other payments for the recruitment and retention of staff;
 - b) Such reasonable travelling and subsistence allowances for members of the LAB and members of a committee of the LAB when engaged on the business of the LAB, at such rates as may be determined by the LAB with the approval of the Minister of Justice; and
 - c) Any other expenses incurred by the LAB in the performance of its functions;
- ii. The Legal Aid Fund shall be administered and managed by the LAB to finance the provision of legal representation through the LAB offices and the LSUs, and legal practitioners providing legal aid services under the Judicare system;
- iii. In securing State resources needed for the implementation of the Legal Aid Policy, the LAB may engage Parliamentarians and relevant ministries to advocate for an increase in the level of state funding for legal aid;
- iv. The LAB shall develop a long-term financial resources mobilisation mechanism so as to organise a solid and sustainable funding base for state legal aid with dedicated resources commensurate with needs.



5.4 MONITORING AND EVALUATION OF THE LEGAL AID POLICY

- i. The LAB shall develop a monitoring and evaluation strategy for approval by the Ministry of Justice so as to provide a systematic and continuous assessment by the LAB of the progress made in the implementation of the Legal Aid Policy, combined with periodic external evaluation by the Ministry of Justice to analyse the effectiveness, efficiency, relevance, impact and sustainability of the Legal Aid Policy;
- ii. The monitoring and evaluation strategy shall outline the specific roles, tasks and responsibilities of the different Legal Aid Service Providers (LASPs) and other institutions in terms of information gathering and transmission to the LAB.

5.5 DISSEMINATION OF THE LEGAL AID POLICY AND COMMUNICATION OF LEGAL AID SERVICES

- i. Upon adoption of the Legal Aid Policy, the LAB shall disseminate information on the Legal Aid Policy and communicate available legal aid services. In this process, the LAB may consider using the following measures:
 - a) Hard and soft copies of the Legal Aid Policy circulated to state institutions, LASPs and other stakeholders at national, provincial and district level, donors and regional and international forums and networks;
 - b) Posting of the Legal Aid Policy on state institutions, LASPs and stakeholders' websites;
 - c) Documentaries on television, radio discussion, electronic and print media programmes; and
 - d) Sensitisation meetings with stakeholders at national, provincial and district level to present the Legal Aid Policy, its key features and available legal aid services;
- ii. The LAB shall establish and maintain a Directory of Legal Aid Board Offices and Accredited Legal Desks with relevant information on offices and legal desks operated by LASPs and available legal aid services. The Directory of Legal Aid Board Offices and Accredited Legal Desks shall be made available, at no fee, by the LAB to members of the public, including at community level, courts, correctional facilities, police stations and police posts;
- iii. The LAB shall further develop a communication strategy with indication of the possible contributions from the different LASPs and other institutions in disseminating information on legal aid.

ANNEX 1: IMPLEMENTATION PLAN OF THE NATIONAL LEGAL AID POLICY

Measures	Activities	Output Indicator	Targets					Responsible Unit	Resources Estimates (ZMW)	
			Base Year	2018	2019	2020	2021			2022
Specific Objective 1: To widen the scope of legal aid services for the provision of the full spectrum of legal services to the poor and vulnerable people										
Measure 1.1 Establish a mixed legal aid delivery system involving relevant justice stakeholders in complementary legal aid service delivery models	1. Establish additional Legal Services Units (LSUs) at Subordinate Court level	Number of LSUs established at Subordinate Court level	6	7	8	10	12	14	Legal Aid Board (LAB), accredited Civil Society Organisations (CSOs), Judiciary, Ministry of Justice (MoJ), Ministry of Finance LAB, accredited CSOs, Judiciary, MoJ, Ministry of Finance Accredited CSOs, LAB, Zambia Correctional Service (ZCS), Drug Enforcement Commission (DEC), Department of Immigration, other law enforcement institutions Accredited CSOs, LAB, Zambia Police Service (ZPS), DEC, Department of Immigration, other law enforcement institutions	13,623,684
	2. Establish LSUs at High Court level	Number of LSUs established at High Court level	0	1	2	3	4	5		
	3. Establish additional desks at correctional facility level	Number of legal desks established at correctional facility level	6	6	6	7	8	9		
	4. Establish additional desks at police station level	Number of legal desks established at police station level	1	1	1	2	3	4		



Measures	Activities	Output Indicator	Targets						Responsible Unit	Resources Estimates (ZMW)
			Base Year	2018	2019	2020	2021	2022		
Measure 1.2 Review and design appropriate application processes and eligibility standards of accessing legal aid	5. Establish additional CSOs legal desks at community level, including in rural, peri-urban or urban areas, prioritising areas where the needs in terms of legal aid services are highest	Number of CSOs legal desks at community level established	91	91	96	101	106	Accredited CSOs	N/A	
	6. Establish university law clinics	Number of university law clinics established	0	1	2	3	4	Universities with a school of law, other higher educational institutions providing legal education	N/A	
	7. Develop guidelines for legal aid applicants on how to apply for legal aid	Level of progress in developing guidelines for legal aid applicants	0	75%	100%	100%	100%	LAB	30,000	
	8. Develop guidelines for LAB responsible officers on the review of applications for legal aid and the application of the means test and the interests of justice principle	Level of progress in developing guidelines on the review of applications for legal aid and the application of the means test and the interests of justice principle	0	75%	100%	100%	100%	LAB, Ministry of Community Development and Social Services (MCDSS)	50,000	

Measures	Activities	Output Indicator	Targets					Responsible Unit	Resources Estimates (ZMW)
			Base Year	2018	2019	2020	2021		
Specific Objective 2: To enhance awareness on the law and legal aid services amongst the population to empower people to claim their rights and obtain remedies									
Measure 2.1 Promote legal education and awareness campaigns to members of the public through Legal Aid Service Providers (LASPs)	1. Carry out legal education and information programmes for members of the public through LASPs	Number of legal education and information programmes for members of the public carried out by LASPs	N/A	10	20	30	40	50	LAB, accredited CSOs, accredited university law clinics 300,000



Measures	Activities	Output Indicator	Targets						Responsible Unit	Resources Estimates (ZMW)
			Base Year	2018	2019	2020	2021	2022		
Measure 2.2 Support the development of guidelines on the duty for state institutions to inform persons on their right to legal aid and the availability of legal aid services	<p>2. Develop guidelines for responsible officers (police officers, correctional facility officers, prosecutors, judges, magistrates and other law enforcement officers, district officials, local authorities) in respective institutions to:</p> <p>a. Inform and assist unrepresented persons in police stations or posts, correctional facilities and courts on their right to legal aid and of other procedural safeguards</p> <p>b. Ensure access, at no fee, by members of the public, persons in police custody and inmates to the Directory of LAB Offices and Accredited Legal Desks</p>	<p>Level of development of guidelines on duty to inform persons on their right to legal aid institutions</p>	0	100%	100%	100%	100%	100%	<p>LAB, MoJ, ZLDC, ZPS, ZCS NPA, Judiciary and other law enforcement institutions, District Administration, Local Authorities</p> <p>320,000</p>	
			0	100%	100%	100%	100%	100%		

Measures	Activities	Output Indicator	Targets						Responsible Unit	Resources Estimates (ZMW)
			Base Year	2018	2019	2020	2021	2022		
Specific Objective 3: To increase the geographic coverage of the legal aid system by involving Civil Society Organisations (CSOs) and university law clinics as Legal Aid Service Providers (LASPs)										
Measure 3.1 Recognise and regulate Civil Society Organisations (CSOs) and university law clinics to ensure their accountability as providers of legal aid services	1. Develop an accreditation regime for CSOs and related procedures in reporting to the LAB on the provision of legal aid services	Number of accredited CSOs Level of reporting to the LAB on the provision of legal aid services by accredited CSOs	0	10	15	20	20	20	LAB, MCDSS, Patents And Companies Registration Agency (PACRA), Paralegal Alliance Network (PAN)	40,000
	2. Develop an accreditation regime for university law clinics and related procedures in reporting to the LAB on the provision of legal aid services	Number of accredited university law clinics Level of reporting to the LAB on the provision of legal aid services by accredited university law clinics	0	1	2	3	4	5	LAB, Ministry of Higher Education	20,000
	3. Establish a Register of Accredited CSOs and University Law Clinics	Number of Registers of Accredited CSOs and University Law Clinics established	0	1	1	1	1	1	LAB	N/A*

* Costs covered under LAB budget, see Specific Objective 6 Measure 6.2



Measures	Activities	Output Indicator	Targets					Responsible Unit	Resources Estimates (ZMW)	
			Base Year	2018	2019	2020	2021			2022
Measure 3.2 Establish mechanisms for coordination and cooperation among the various Legal Aid Service Providers (LASPs) and with other institutions and stakeholders	4. Establish a referral system for LASPs and other stakeholders	Number of referral systems for LASPs and other stakeholders established	0	1	1	1	1	1	LAB, other LASPs, LAZ, Ministry of Health, MCDSS, Ministry of Labour and Social Security (MLSS), ZPS, Human Rights Commission (HRC), other relevant institutions	30,000
	5. Establish and maintain a Register of Legal Practitioners under the Judicare system	Number of Registers of Legal Practitioners under the Judicare system established and maintained	0	1	1	1	1	1	LAB	N/A*
	6. Draw up a roster of legal practitioners volunteering to undertake pro bono legal aid and communicate it to the LAB	Number of rosters of legal practitioners volunteering to undertake pro bono drawn up and communicated to the LAB	0	1	1	1	1	1	LAZ	N/A
	7. Disseminate to all courts of law the Register of Legal Aid Assistants as communicated by the LAB	Level of dissemination of the Register of Legal Aid Assistants by the LAB to all courts of law on a yearly basis	0	60%	100%	100%	100%	100%	Judiciary, LAB	7,500

* Costs covered under LAB budget, see Specific Objective 6 Measure 6.2

Measures	Activities	Output Indicator	Targets						Responsible Unit	Resources Estimates (ZMW)
			Base Year	2018	2019	2020	2021	2022		
Specific Objective 4: To strengthen the complementary role of the legal profession in the delivery of legal aid services										
Measure 4.1 Promote the establishment of a comprehensive pro bono framework for an increased number of legal practitioners to provide legal aid services on a pro bono basis	1. Develop a comprehensive pro bono framework	Level of progress in developing a comprehensive pro bono framework	0	50%	100%	100%	100%	100%	100%	N/A
	2. Develop incentives for legal practitioners to provide pro bono legal aid through legislative initiatives	Level of progress in developing a set of incentives for legal practitioners to provide pro bono legal aid	0	50%	100%	100%	100%	100%	100%	100,000



Measures	Activities	Output Indicator	Targets					Responsible Unit	Resources Estimates (ZMW)
			Base Year	2018	2019	2020	2021		
Specific Objective 5: To enhance the competence and accountability of paralegals, legal assistants (law degree holders) and legal aid assistants ensuring quality in the legal aid services delivered									
Measure 5.1 Recognise the role of paralegals at various levels of qualification and legal assistants and the types of legal aid services provided	1. Establish and maintain a Register of Legal Aid Assistants	Number of Registers of Legal Aid Assistants established and maintained	0	1	1	1	1	1	N/A*
	2. Establish and maintain a Register of Legal Assistants	Number of Registers of Legal Assistants established and maintained	0	1	1	1	1	1	N/A*
	3. Establish and maintain a Register of Paralegals	Number of Registers of Paralegals established and maintained	0	1	1	1	1	1	N/A*
Measure 5.2 Establish a quality assurance framework and a regulator for paralegals, legal assistants and legal aid assistants	Legal aid assistants and legal assistants								
	4. Establish and operationalise a registration scheme for legal aid assistants and legal assistants	Number of registration schemes for legal aid assistants established and operational	0	1	1	1	1	1	1
5. Develop and disseminate Disciplinary Code for Legal Aid Assistants and Legal Assistants	Number of Disciplinary Codes for Legal Aid Assistants developed and disseminated	0	1	1	1	1	1	1	40,000

* Costs covered under LAB budget, see Specific Objective 6 Measure 6.2

Measures	Activities	Output Indicator	Targets						Responsible Unit	Resources Estimates (ZMW)
			Base Year	2018	2019	2020	2021	2022		
	6. Develop quality assurance tools and procedures for legal aid assistants and legal assistants	Number of quality assurance tools and procedures for legal aid assistants and legal assistants developed	0	2	3	4	4	4	LAB	80,000
Paralegals										
	7. Establish and operationalise a registration scheme for paralegals levels 3, 2 and 1	Number of registration schemes for paralegals established and operational	0	1	1	1	1	1	LAB	N/A*
	8. Revise training curriculum in paralegal studies levels 3, 2 and 1	Number of revisions of training curriculum in paralegal studies levels 3, 2 and 1	N/A	0	3	3	6	6	Technical Education, Vocational and Entrepreneurship Training Authority (TEVETA), LAB, MoJ, Ministry of General Education, Zambia Institute of Advanced Legal Education (ZIALE), National Institute of Public Administration (NIPA), University of Zambia and other public and private universities, LAZ, PAN, National Legal Aid Clinic for Women (NLACW), Caritas Zambia, Zambia Civic Education Association (ZCEA), ZPS, ZCS, NPA, Judiciary	380,000

* Costs covered under LAB budget, see Specific Objective 6 Measure 6.2



Measures	Activities	Output Indicator	Targets						Responsible Unit	Resources Estimates (ZMW)
			Base Year	2018	2019	2020	2021	2022		
9. Develop training manuals and reference materials for each level of the training curriculum in paralegal studies	Number of training manuals and reference materials for each level of the training curriculum in paralegal studies developed	0	3	3	3	3	3	Technical Working Group on Training in Paralegal Studies (as per above mentioned institutions and organisations under Activity No. 8)	825,000	
		0	0	0	4	4	4			
		0	0	0	1	1	1			
10. Accredit trainers and training organisations to provide training courses in paralegal studies	Number of trainers accredited	0	0	0	4	4	4	TEVETA	N/A	
		0	0	0	1	1	1			
		0	0	0	1	1	1			
11. Provide training courses as per the training curriculum in paralegal studies approved by the TEVETA	Number of paralegals trained in paralegal studies level 3	0	100	250	350	450	550	TEVETA-accredited organisations, universities, other higher educational institutions	4,030,000	
		0	0	50	100	150	200			
		0	0	50	100	120	140			

Measures	Activities	Output Indicator	Targets						Responsible Unit	Resources Estimates (ZMW)
			Base Year	2018	2019	2020	2021	2022		
	12. Evaluate training courses in paralegal studies carried out on the basis of TEVETA standards and regulations	Number of training courses in paralegal studies evaluated on the basis of TEVETA standards and regulations	0	4	14	22	29	36	TEVETA	N/A
	13. Assess training needs and design refresher courses for paralegals levels 3, 2 and 1	Number of refresher courses for paralegals levels 3, 2 and 1 designed	0	0	1	3	3	3	LAB, accredited CSOs	120,000
	14. Provide refresher courses for paralegals levels 3, 2 and 1	Number of paralegals levels 3, 2 and 1 attending refresher courses	0	0	100	350	550	725	LAB, accredited CSOs	1,087,500
	15. Develop and disseminate Disciplinary Code for Paralegals	Number of Disciplinary Codes for Paralegals developed and disseminated	0	1	1	1	1	1	LAB	40,000
	16. Develop quality assurance tools and procedures for paralegals	Number of quality assurance tools and procedures for paralegals developed	0	2	3	4	4	4	LAB	80,000



Measures	Activities	Output Indicator	Targets						Responsible Unit	Resources Estimates (ZMW)
			Base Year	2018	2019	2020	2021	2022		
	17. Establish and operationalise peer to peer learning platform	Number of peer to peer learning platforms established and operationalised	0	0	10	20	30	40	LAB, accredited CSOs	200,000

Measures	Activities	Output Indicator	Targets						Responsible Unit	Resources Estimates (ZMW)
			Base Year	2018	2019	2020	2021	2022		
Specific Objective 6: To strengthen institutional capacity in order to adequately manage a comprehensive legal aid system in Zambia										
Measure 6.1 Strengthen the Legal Aid Board (LAB) by widening its mandate	1. Review and amend the Legal Aid Act in line with the Legal Aid Policy and submit for adoption	Level of progress in amending the Legal Aid Act in line with the Legal Aid Policy	0	100%	100%	100%	100%	100%	LAB, MoJ, Zambia Law Development Commission (ZLDC)	470,000
	2. Review other legislation and regulations and propose further amendments in line with the Legal Aid Policy, if required	Level of progress in reviewing other legislation and regulations and proposing further amendments in line with the Legal Aid Policy	0	40%	100%	100%	100%	100%	LAB, LAZ, MoJ, ZLDC	200,000

Measures	Activities	Output Indicator	Targets						Responsible Unit	Resources Estimates (ZMW)
			Base Year	2018	2019	2020	2021	2022		
Measure 6.2 Enhance the institutional structures and internal organisation of the Legal Aid Board (LAB) by further decentralising its operation and services and establishing additional committees, units and departments under the LAB	3. Adopt and implement the Legal Aid Policy Implementation Guidelines	Number of Legal Aid Policy Implementation Guidelines adopted by the LAB and operationalised	0	1	1	1	1	1	LAB	N/A
	4. Constitute and operate a Paralegal Standing Committee at the LAB with membership and functions as prescribed in the Legal Aid Policy Implementation Guidelines	Level of operationalisation of the LAB Paralegal Standing Committee	0	60%	100%	100%	100%	100%	LAB	750,000



Measures	Activities	Output Indicator	Targets						Responsible Unit	Resources Estimates (ZMW)
			Base Year	2018	2019	2020	2021	2022		
	5. Establish and manage a Unit under the LAB Secretariat responsible for the operationalisation of the accreditation regime for CSOs and university law clinics, and for the registration, quality assurance and disciplinary processes for paralegals, legal assistants and legal aid assistants	Number of additional Units under the LAB Secretariat responsible for the operationalisation of the accreditation regime of CSOs and university law clinics, and for the registration, quality assurance and disciplinary processes for paralegals, legal assistants and legal aid assistants	0	1	1	1	1	1	LAB, MoJ, Ministry of Finance	3,649,800
	6. Assess training needs and provide capacity building courses for LAB members of staff	Number of capacity building courses for LAB members of staff carried out	0	1	2	3	4	5		

Measures	Activities	Output Indicator	Targets						Responsible Unit	Resources Estimates (ZMW)
			Base Year	2018	2019	2020	2021	2022		
7.	Strengthen and decentralise the operation of LAB National and Provincial Offices	Level of increase in the number of applications for legal aid received by LAB	8,938	+2%	+3%	+4%	+5%	+6%	LAB, MoJ, Ministry of Finance	16,840,136**
		Level of increase in the number of cases handled by LAB	4,599	+2%	+3%	+4%	+5%	+6%		
8.	Establish LAB District Offices starting in districts where the needs in terms of legal aid services are highest	Number of LAB District offices established	2	2	4	6	8	10	LAB, MoJ, Ministry of Finance	14,900,000
9.	Implement e-Government policy and systems applicable to LAB	Level of implementation of e-Government policy and systems applicable to LAB	0	40%	100%	100%	100%	100%	LAB	N/A
10.	Develop a long-term financial resources mobilisation mechanism	Level of progress in developing a long-term financial resources mobilisation mechanism	0	40%	100%	100%	100%	100%	LAB, MoJ, Ministry of Finance	240,000

** In addition to the resources allocated on a yearly basis from the state budget to the Legal Aid Board (20,999,958 ZMW in 2017)



Measures	Activities	Output Indicator	Targets							Responsible Unit	Resources Estimates (ZMW)
			Base Year	2018	2019	2020	2021	2022			
	11. Engage Parliamentarians, relevant ministries and cooperating partners to advocate for an increase in the level of funding for legal aid	Number of advocacy events with Parliamentarians, relevant ministries and cooperating partners for an increase in the level of funding for legal aid	0	1	2	3	4	5	LAB, MoJ	250,000	
	12. Develop a monitoring and evaluation strategy	Level of progress in developing a monitoring and evaluation strategy	0	60%	100%	100%	100%	100%	LAB	140,000	
	13. Conduct systematic and continuous assessment of progress made in the implementation of the Legal Aid Policy	Number of assessments of progress made in the implementation of the Legal Aid Policy	0	1	2	3	4	5	LAB	750,000	
	14. Produce annual report on progress made in implementing the Legal Aid Policy	Number of annual reports produced on progress made in implementing the Legal Aid Policy	0	1	2	3	4	5	LAB	50,000	

Measures	Activities	Output Indicator	Targets						Responsible Unit	Resources Estimates (ZMW)
			Base Year	2018	2019	2020	2021	2022		
	15. Organise periodic external evaluation to analyse the effectiveness, efficiency, relevance, impact and sustainability of the Legal Aid Policy	Number of external evaluations carried out	0	0	0	1	1	2	MoJ, LAB	400,000
	16. Develop a communication strategy with indication of the possible contributions from the different Legal Aid Service Providers (LASPs) and other institutions in disseminating information on legal aid	Level of progress in developing a communication strategy with indication of the possible contributions from the different LASPs and other institutions in disseminating information on legal aid	0	50%	100%	100%	100%	100%	LAB, other LASPs, ZPS, ZCS, National Prosecution Authority (NPA), Judiciary and other law enforcement institutions, District Administration	140,000



Measures	Activities	Output Indicator	Targets						Responsible Unit	Resources Estimates (ZMW)	
			Base Year	2018	2019	2020	2021	2022			
	17. Organise sensitisation meetings with stakeholders at national, provincial and district level to present the Legal Aid Policy, its key features and available legal aid services	Number of sensitisation meetings organised with stakeholders at national, provincial and district level to present the Legal Aid Policy, its key features and available legal aid services	0	11	25	25	25	25	25	LAB, MoJ, stakeholders at national, provincial and district level	1,150,000
	18. Establish, maintain and disseminate a Directory of LAB Offices and Accredited Legal Desks	Number of Directory of LAB Offices and Accredited Legal Desks established, maintained and disseminated	0	1	1	1	1	1	1	LAB	50,000

Measures	Activities	Output Indicator	Targets						Responsible Unit	Resources Estimates (ZMW)
			Base Year	2018	2019	2020	2021	2022		
Measure 6.3 Strengthen the role of relevant justice institutions and other stakeholders in supporting the efficient and effective operation of the legal aid system in Zambia	19. Adopt training scheme in paralegal studies for the three levels of qualification of paralegals	Number of training scheme in paralegal studies levels 3, 2 and 1 adopted	0	3	3	3	3	3	TEVETA, LAB, MoJ	N/A
	20. Operationalise guidelines for responsible officers in respective institutions to: a. Inform and assist unrepresented persons in police stations or posts, correctional facilities and courts on their right to legal aid and of other procedural safeguards b. Ensure access, at no fee, by members of the public, persons in police custody and inmates to the Directory of LAB Offices and Accredited Legal Desks	Level of operationalisation of guidelines on duty to inform persons on their right to legal aid institutions by respective institutions Level of operationalisation of guidelines on ensuring access to the Directory of LAB Offices and Accredited Legal Desks by respective institutions	0	40%	80%	100%	100%	100%	ZPS, ZCS, NPA, Judiciary and other law enforcement institutions, District Administration, Local Authorities, LAB	500,000



Measures	Activities	Output Indicator	Targets						Responsible Unit	Resources Estimates (ZMW)
			Base Year	2018	2019	2020	2021	2022		
	21. Conclude Memorandums of Understanding (MoUs) for each LSU setting out roles and responsibilities for Judiciary, LAB and accredited CSOs in operating legal desks	Number of MoUs concluded in relation to LSUs	1	8	10	13	16	19	Judiciary, LAB, accredited CSOs	N/A
	22. Make office space available to LSUs within already existing court structures whenever possible	Number of LSUs hosted within already existing court structures	6	8	10	13	16	19	Judiciary	N/A
	23. Conclude MoUs for each correctional facility legal desk setting out roles and responsibilities for ZCS, LAB and accredited CSOs in operating legal desks	Number of MoUs concluded in relation to correctional facility legal desks	0	6	6	7	8	9	ZCS, LAB, accredited CSOs	N/A
	24. Make office space available to correctional facility legal desks within already existing correctional facilities whenever possible	Number of correctional facility legal desks hosted within already existing correctional facilities	6	6	6	7	8	9	ZCS	N/A

Measures	Activities	Output Indicator	Targets						Responsible Unit	Resources Estimates (ZMW)
			Base Year	2018	2019	2020	2021	2022		
	25. Conclude MoUs for each police station legal desk setting out roles and responsibilities for ZPS, LAB and accredited CSOs in operating legal desks	Number of MoUs concluded in relation to police station legal desks	0	1	1	2	3	4	ZPS, LAB, accredited CSOs	N/A
	26. Make office space available to police station legal desks within already existing police stations whenever possible	Number of police station legal desks hosted within already existing police stations	1	1	1	2	3	4	ZPS	N/A
	27. Assist Legal Aid Service Providers (LASPs) in carrying out legal education and information programmes for members of the public	Number of legal education and information programmes for members of the public carried out by LASPs	N/A	10	20	30	40	50	Ministry of General Education, District Administration, Local Authorities, Ministry of Chiefs and Traditional Affairs, Ministry of National Guidance and Religious Affairs, MCDSS, media houses	N/A
GRAND TOTAL									74,994,936**	

** In addition to the resources allocated on a yearly basis from the state budget to the Legal Aid Board (20,999,958 ZMW in 2017)



